

UNITIED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Jason A. Zangara)
Plaintiff,) Civil No. 3:22-cv-01559-GC-LHG
v.)
National Board of Medical Examiners (NBME))
Defendants)

**PLAINTIFFS BRIEF IN SUPPORT OF APPLICATION FOR RECONSIDERATION
AND/OR IN THE ALTERNATE CHANGE OF VENUE**

JASON A. ZANGARA PRO SE
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ATTORNEY FOR PLAINTIFF

Introduction

Plaintiff makes this request to the court to request that either the April 6, 2023 order be reconsidered based on the information not before the court and/or in the alternate that this case be transferred the Eastern District Court of Pennsylvania which is where Defendants principle place of Business is located.

Reconsideration

Plaintiff respectfully requests that this court reconsider its opinion denying his application for a Preliminary Injunction filed on April 6, 2023(DK#40&41). The court references and relies on Plaintiffs original complaint when he was ordered to file a motion to amend his complaint by this court (DK#31)

Plaintiff did file this motion with the amended complaint on March 23, 2023 which corrected the specific deficiencies the court addresses in its April 6, 2023 opinion (DK#38). Defendants responded in a very short brief that they did not oppose the filing of this complaint (DK#39) page 2:

"Nevertheless given Mr. Zangara's pro se status, NBME does not oppose his motion for leave to amend"

Defendants did not raise the Personal Jurisdiction or any other Affirmative Defense in opposition to its filing. Therefore Plaintiff requests the court reconsider his application for a Preliminary Injunction using the Amended Complaint and its contents (DK#38) which he assumes was overlooked by the court.

"[I]n this District, Local Rule 7.1(g) creates a specific procedure by which a party may, within 10 days of the entry of an order, ask either a District Judge, or a Magistrate Judge, to take a second look at any decision "upon showing that dispositive factual matters or controlling

decisions of law were overlooked by the court in reaching its prior decision." LITE, N.J. FEDERAL PRACTICE RULES, Comment 6 to L. Civ. R. 7.1(g) (GANN 2002 ed.). Consequently, Local Rule 7.1(g) of the Local Rules of Civil Procedure, rather than Rule 59 of the Federal Rules of Civil Procedure, governs motions for reconsideration filed in the District of New Jersey. Compaction Sys. Corp., 88 F. Supp. 2d at 345." Byrne v. Calastro, Civil Action No. 05-CV-68 (DMC), 2 (D.N.J. Aug. 28, 2006)

Change of Venue

If this court decides that reconsideration is not warranted and/ or the court believes that it lacks jurisdiction Plaintiff respectfully requests that this action be transferred to the Eastern District of Pennsylvania; which encompasses the city of Philadelphia, where Defendants principle place of business is located. As stated in 28 U.S. Code § 1404:

(a)For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.

"28 U.S.C. § 1404(a) provides federal courts with authority to transfer a case to another district "where it may have been brought," when doing so is "[f]or the convenience of the parties and witnesses, or in "the interests of justice." Id. The purpose of the federal transfer statute is to "prevent the waste of 'time, energy and money' and to protect litigants, witnesses, and the public against unnecessary inconvenience and expense." Ricoh Co., Ltd. v. Honeywell, Inc., 817 F. Supp. 473, 479 (D.N.J. 1993) (quoting Van Dusen v. Barrack, 376 U.S. 612, 616 (1964))." Meggioraro v. Lagniappe Pharmacy Servs., Civ. No. 2:16-cv-3407 (WJM) (D.N.J. 2017)

Conclusion

Plaintiff respectfully request that this court grant this application for reconsideration of the April 6,2023 order and opinion and/ or in the alternate transfer this action to the Eastern District of Pennsylvania.

Dated: 4/7/2023

A handwritten signature in black ink, appearing to read "Jason Zangara", is written over a horizontal line.

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Plaintiff, Pro Se